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EXAMINER

HENN, TIMOTHY J

ART UNIT PAPER NUMBER

2612

DATE MAILED: 10/23/2003

5

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/542,365

Applicant(s)

OSADA, MASAKI

Examiner

Timothy J Henn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 April 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 04/06/1999. It is noted, however, that applicant has not filed a certified copy of the Hei 11-098723 application as required by 35 U.S.C. 119(b).

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1, 13 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over conventional digital cameras.

5. **[claim 1]**

6. In regard to claim 1, as broadly as claimed, note that conventional digital cameras are capable of storing in one directory a predetermined number of image files, each of which is formed from data of an image picked up by image pickup means, also note that conventional digital cameras comprise a selection means or selecting a

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desired image pickup mode from among a plurality of kinds of image pickup modes and a control means for, when the image pickup mode selected is a predetermined image pickup mode, storing an image file in a current directory even if the number of image files stored in the current directory exceeds the predetermined number. The examiner notes that conventional digital cameras are capable of storing a number of digital images in memory which is mainly limited by the size of the memory, and that a predetermined number could be defined to be less than the maximum number of images which the memory is able to store, therefore, in a case when the predetermined number has been reached and another picture is taken, the picture would be stored in the current folder of the conventional digital camera, even though the predetermined number has been reached. The examiner also notes that the predetermined number in claim 1 is not defined to be a limit of any kind and can be taken to mean any number of images that the camera is capable of storing. The examiner further notes that all image pickup modes could be defined to be "a predetermined image pickup mode".

[claim 13]

7. Note that claim 13 is a method claim corresponding to the apparatus claim 1. Therefore, claim 13 is analyzed and rejected as previously discussed with respect to claim 1.

[claim 25]

8. In regard to claim 25, note that this claim contains all the limitations as given in claim 13, with the exception of a storage medium which stores a program for executing the method of controlling the camera. However, it is obvious to those skilled in the art

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that methods for controlling a digital camera can be implemented in software which is stored on a storage medium and executed in a microprocessor on the camera (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of control from rejected claim 13 in software stored on a storage medium as claimed.

9. Claims 2-4, 14-16 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over conventional digital cameras in view of May et al (US 2003/0095193).

[claim 2]

10. In regard to claim 2, note that the conventional digital camera meets the requirements as set forth in claim 1 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a predetermined image pickup mode of picking up images, which constitute a combination of serial images. May et al. teaches an image pickup mode of picking up images, which constitute a combination of serial images to allow a conventional camera to be able to take a set of digital images and later combine them into a panoramic scene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the image pickup mode of May et al. to allow the conventional digital camera to produce a panoramic scene.

[claim 3]

11. In regard to claim 3, note that the conventional digital camera meets the requirements as set forth in claim 1 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a predetermined image pickup mode, which is a

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continuous shooting mode of continuously picking up images at a predetermined time interval. May et al. teaches an image pickup mode which is a continuous shooting mode of continuously picking up images at a predetermined time interval to allow a conventional camera to be able to take a set of digital images and later combine them into a panoramic scene without requiring the user to repeatedly press the shutter button (Paragraph 57). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the image pickup mode of May et al. to allow the conventional digital camera to produce a panoramic scene without requiring the user to repeatedly press the shutter button.

[claim 4]

12. In regard to claim 4, note that the conventional digital camera meets the requirements as set forth in claim 1 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a predetermined image pickup mode, which is a panorama image-joining mode. May et al. teaches an image pickup mode of picking up images, which is a panorama image joining mode to allow a conventional camera to be able to take a set of digital images and later combine them into a panoramic scene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the image pickup mode of May et al. to allow the conventional digital camera to produce a panoramic scene.

[claims 13-16]

13. In regard to claims 14-16, note that these claims are method claims corresponding to the apparatus claims 2-4. Therefore, claims 14-16 are analyzed and

rejected as previously discussed with respect to claims 2-4.

[claim 26]

14. In regard to claim 2, note that the conventional digital camera meets the requirements as set forth in claim 25 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a predetermined image pickup mode of picking up images, which constitute a combination of serial images. May et al. teaches an image pickup mode of picking up images, which constitute a combination of serial images to allow a conventional camera to be able to take a set of digital images and later combine them into a panoramic scene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the image pickup mode of May et al. to allow the conventional digital camera to produce a panoramic scene.

[claim 27]

15. In regard to claim 3, note that the conventional digital camera meets the requirements as set forth in claim 25 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a predetermined image pickup mode, which is a continuous shooting mode of continuously picking up images at a predetermined time interval. May et al. teaches an image pickup mode which is a continuous shooting mode of continuously picking up images at a predetermined time interval to allow a conventional camera to be able to take a set of digital images and later combine them into a panoramic scene without requiring the user to repeatedly press the shutter button (Paragraph 57). It would have been obvious to one of ordinary skill in the art at the time

the invention was made to use the image pickup mode of May et al. to allow the conventional digital camera to produce a panoramic scene without requiring the user to repeatedly press the shutter button.

[claim 28]

16. In regard to claim 4, note that the conventional digital camera meets the requirements as set forth in claim 25 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a predetermined image pickup mode, which is a panorama image-joining mode. May et al. teaches an image pickup mode of picking up images, which is a panorama image joining mode to allow a conventional camera to be able to take a set of digital images and later combine them into a panoramic scene. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the image pickup mode of May et al. to allow the conventional digital camera to produce a panoramic scene.

17. Claims 5-6, 17-18 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over conventional digital cameras in view of applicants own admitted prior art.

[claim 5]

18. In regard to claim 5, note that the conventional digital camera meets the requirements as set forth in claim 1 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a predetermined number of images files, which is a multiple of fifty. The applicants own admitted prior art teaches a digital camera in

which a predetermined number is set which is a multiple of fifty (Page 2, Paragraph 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to set the predetermined number discussed in claim 1 of the conventional digital camera to fifty as described by the applicants own admitted prior art.

[claim 6]

19. In regard to claim 6, note that the conventional digital camera meets the requirements as set forth in claim 1 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a control means for storing images files with each having an identification number in an image pickup order appended, irrespective of the selected image pickup mode and a location of the directory in which the image pickup files are stored. the applicants admitted prior art stores image files with each having an identification number in an image pickup order appended, irrespective of the selected image pickup mode and a location of the directory in which the image files are stored (Page 2, Paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the image naming system as described by the applicants admitted prior art with the conventional digital camera to avoid conflicts of two images having the same name.

~~In regard to claims 14-16, note that these claims are method claims corresponding to the apparatus claims 2-4. Therefore, claims 14-16 are analyzed and rejected as previously discussed with respect to claims 2-4.~~

[claims 17-18]

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20. In regard to claims 17-18, note that these claims are method claims corresponding to the apparatus claims 5-6. Therefore, claims 17-18 are analyzed and rejected as previously discussed with respect to claims 5-6.

[claim 29]

In regard to claim 29, note that the conventional digital camera meets the requirements as set forth in claim 25 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a predetermined number of images files, which is a multiple of fifty. The applicants own admitted prior art teaches a digital camera in which a predetermined number is set which is a multiple of fifty (Page 2, Paragraph 4). It would have been obvious to one of ordinary skill in the art at the time the invention was made to set the predetermined number discussed in claim 1 of the conventional digital camera to fifty as described by the applicants own admitted prior art.

[claim 30]

21. In regard to claim 30, note that the conventional digital camera meets the requirements as set forth in claim 25 as discussed above. Therefore, it can be seen that the conventional digital camera lacks a control means for storing images files with each having an identification number in an image pickup order appended, irrespective of the selected image pickup mode and a location of the directory in which the image pickup files are stored. the applicants admitted prior art stores image files with each having an identification number in an image pickup order appended, irrespective of the selected image pickup mode and a location of the directory in which the image files are stored (Page 2, Paragraph 4). It would have been obvious to one of ordinary skill in the

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art at the time the invention was made to use the image naming system as described by the applicants admitted prior art with the conventional digital camera to avoid conflicts of two images having the same name.

22. Claims 7-12, 19-24 and 31-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art in view of May et al (US 2003/0095193).

[claim 7]

23. In regard to claim 7, the applicants admitted prior art discloses an electronic still camera capable of storing in one directory a predetermined number of image files, each of which is formed from data of an image picked up by image pickup means (Page 2, Paragraph 2). Therefore it can be seen that the applicants admitted prior art lacks selection means for selecting a desired image pickup mode form among a plurality of kinds of image pickup modes and control means for, when the image pickup mode selected by said selection means is a predetermined image pickup mode, creating a new directory different from a current directory and storing an image file in the created directory. May et al. teaches an image management method in which a desired image pickup mode is first selected from among a plurality of kinds of image pickup modes (Paragraph 44) and a control means for, when the image pickup mode selected by said selection means is a predetermined image pickup mode (in this case, panoramic mode), creating a new directory different from a current directory and storing an image file in the created directory (Paragraph 55). The image management methods of May et al. has the advantage that all pictures from the image capture are stored together and

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allows inexperienced digital camera users to quickly and easily produce panoramic digital images while minimizing the manual operations and the chance for errors (Paragraph 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the image management method of May et al. with the electronic still camera of the applicants admitted prior art to allow inexperienced digital camera users to quickly and easily produce panoramic digital images while minimizing the manual operations and the chance for errors.

inexperienced digital camera users to quickly and easily produce panoramic digital images while minimizing the manual operations and the chance for errors (Paragraph 7).

[claim 8]

24. In regard to claim 8, note that the panoramic image pickup mode of May et al. is a mode of picking up images which constitute a combination of serial images.

[claim 9]

25. In regard to claim 9, note that the panoramic image pickup mode of May et al. is a continuous shooting mode of continuously picking up images at a predetermined time interval when used in the automatic capture mode (Paragraph 57).

[claim 10]

26. In regard to claim 10, note that the panoramic image pickup mode of May et al. is a panorama joining image pickup mode.

[claim 11]

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27. In regard to claim 11, note that the applicants admitted prior art discloses an electronic still camera in which the predetermined maximum number of images per folder is a multiple of fifty (Page 2, Paragraph 4).

[claim 12]

28. In regard to claim 12, note that the control means for storing images files of the applicants admitted prior art stores image files with each having an identification number in an image pickup order appended, irrespective of the selected image pickup mode and a location of the directory in which the image files are stored (Page 2, Paragraph 4).

[claims 19-24]

29. In regard to claims 19-24, note that these claims are method claims corresponding to the apparatus claims 7-12. Therefore, claims 19-24 are analyzed and rejected as previously discussed with respect to claims 7-12.

[claim 31]

30. In regard to claim 31, note that this claim contains all the limitations as given in claim 19, with the exception of a storage medium which stores a program for executing the method of controlling the camera. However, it is obvious to those skilled in the art that methods for controlling a digital camera can be implemented in software which is stored on a storage medium and executed in a microprocessor on the camera (Official Notice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the method of control from rejected claim 19 in software stored on a storage medium as claimed.

[claim 32]

31. In regard to claim 32, note that the panoramic image pickup mode of May et al. is a mode of picking up images which constitute a combination of serial images.

[claim 33]

32. In regard to claim 33, note that the panoramic image pickup mode of May et al. is a continuous shooting mode of continuously picking up images at a predetermined time interval when used in the automatic capture mode (Paragraph 57).

[claim 34]

33. In regard to claim 34, note that the panoramic image pickup mode of May et al. is a panorama joining image pickup mode.

[claim 35]

34. In regard to claim 35, note that the applicants admitted prior art discloses an electronic still camera in which the predetermined maximum number of images per folder is a multiple of fifty (Page 2, Paragraph 4).

[claim 36]

35. In regard to claim 36, note that the control means for storing images files of the applicants admitted prior art stores image files with each having an identification number in an image pickup order appended, irrespective of the selected image pickup mode and a location of the directory in which the image files are stored (Page 2, Paragraph 4).

Conclusion

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36. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following prior art further shows the current state of the art in image storage systems within a digital camera.


- i. Anderson et al. US ⁶5,507,363
- ii. Kawamura et al. US 5,576,759

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy J Henn whose telephone number is (703) 305-8327. The examiner can normally be reached on M-F 7:30 AM - 5:00 PM, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

TJH
10/16/03


NGOC-YEN VU
PRIMARY EXAMINER